

Affidavit under 37 CFR 1.131

Application No. 10/667,809

§37 CFR 1.131 (a)

The applicant declares that claims 12 and 13 are rejected in the above identified application under 35 U.S.C. 102 (e) as being anticipated by Zonca US Patent No. 6,637,721.

The Zonca reference was filed on 09/11 2000 and was issued on 10/28/2003.

The Zonca reference shows but does not claim the same patentable invention. Zonca claims an ice tray comprising an uneven top surface having at least one cavity having at least two dimensions less than about 0.75 inches.

Applicant claims a tray table having a plurality of lateral compartments downwardly formed therein, each lateral compartment having rounded corners and each compartment has a length of between five inches and one inch.

The above limitations may have been disclosed by Zonca but are not claimed.

Applicant hereby declares that the application was filed on 11/22/2003 and is still pending.

Applicant further declares that he was the first to invent the claimed invention by submitting a date of 04/02/1998 as the date of conception see the attached Exhibit A. The dissertation was submitted to various prototypers to show the feasibility and give cost estimates to make the molds for producing the ice trays. The dissertation of 04/02/1998 was submitted under the heading of being of a proprietary and confidential nature.

Exhibit B shows the subsequent follow-ups on the activities with regard to the sketches and costs of making the prototypes of the ice tray. This will definitely show diligence of pursuing the invention after the initial dissertation of 04/02 1998.

Exhibit C shows a FAX submission to Patent Attorneys Keefe and Associates

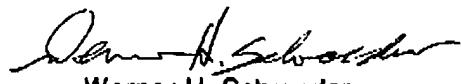
Exhibit D further shows the activities undertaken by the applicant to follow up and

tools required and costs involved in making the molds.

It is believed that the above showing of facts is such, in character and weight, to establish a reduction to practice prior the effective date of the reference (Zonca), or conception of the invention prior to the effective date of the reference. It is further believed that due diligence has been shown in activities from the date of conception to the actual filing of the application.

Attachments:

Exhibits A - D.



Werner H. Schroeder

Reg. No. 36,387

Date: 08/02/06

April 02, 1998

ICE STICK CONCEPTS

PROPRIETARY AND CONFIDENTIAL BY THOMAS F. ADAMS P.E.

The ICE STICK concept has multiple facets or stages ; it could perhaps just start out with specialized ice trays with multiple "cone shaped" cavities to be filled with water and frozen into a form of an icicle or conical shaped mass of ice.

The purpose of the development of these conical shapes of ice is that it is a much more useful configuration/shape to freeze water. This unique ice shape will become very popular because ICE STICKS can be put into the top openings in conventional aluminum and steel cans of beverages: e.g.. soft drinks, lemonade, ice tea, juice, whatever, for the purpose of keeping the liquid colder, longer.

ICE STICKS can also be inserted into the popular 1/2 liter (and related sizes) bottles of soft drinks and other beverages. People who buy bottled water as well will find ICE STICKS very handy. All these applications may have to have some liquid poured or drained off to make room for ice sticks. ICE STICKS will be especially handy for those who refill their water bottles; they

*ICE sticks**Pg 2 of 3 1/2 / 99*

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can add as many ICE STICKS as they choose, and then fill the bottle with cold water.

What will follow (almost immediately) is that ice making machines can and will be designed and so the makers of conventional ice cubes, half-moons and other current shapes will tend to redesign their mechanisms to produce cylindrical or conical shapes, 1/2" to 5/8" in diameter, in lengths of 1, 2 or 3 inches etc.

SPECIAL ICE STICK SCOOPS

When ice machines produce ice sticks of cylindrical / conical shape, then the bins or storage containers for these ICE STICKS can be supplied with a unique ICE STICK scoop that has a funnel neck fashioned / added on one side of the scoop, so when several ICE STICKS are scooped up, one simply tilts the scoop so the funnel neck is lower and one can direct several ICE STICKS (in a most sanitary manner) through the funnel neck directly into the bottle (or can opening) without ever touching the ICE STICKS directly.

Disposable ICE STICK funnel Scoops
Bags of ice dispensed or sold from dispensers or coolers and
(until people all have their own ICE STICKS funnel scoop) an inexpensive disposable funnel dispenser can be supplied as an incentive to buy a particular brand of bagged ice. This

*Ice Stick Concept 1959
1 4/2/68*

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inexpensive / disposable ICE STICKS funnel scoop can be merely a long slender funnel perhaps made of thin walled plastic. It's outer shape serves as the handle, and the broad end is where the ICE STICKS are picked up . The flow of ICE STICKS into bottles / cans can be accurately controlled by alternately squeezing and releasing one's grip on the body of the funnel / scoop.

Summary

The ICE STICKS innovator foresees good reason that the ICE STICKS concept with it's many handy added uses will become the new ice shape of choice for all ice masses that are frozen mainly for beverage and all general cooler use.

Rev 4-22 TFA April 20, 2006

ICE STICKS DUE DELIGENCE 1999

March 5, 1999: Non-Disclosure signed by THOMAS F. ADAMS, cosigned by RON STEINER and mailed March 10, 1999.

March 27, 1999: First four sheets faxed about ICE CUBE & TRAY and cost of \$3,300.00

4-12-99: For Patent ICE STICK Sketch on Letterhead

6-24-99 Fax to Phil Amico on Mold-Building for (vacuum-formed trays)

Fax 6-16-99 (9) nine cavity tray with funnel along back edge

June 11, 1999 ICE STICK man by ALEX KIWIOR

Faxed January 12, 2000: Page 3,4,5 by Peter Keefe

3961 East River Drive
Fort Myers, FL 33916

First-to Invent ICE STICKS tm and DUE DILIGENCE
Rev. 4-22 5-5-06 T F Adams 4/19/06

April 02, 1998: "ICE STICKS CONCEPTS" write up.

April 13, 1999: Faxed same to Attorney Keefe & Associates

March- April 1998: ICE STICK tm Experiments began! While working on my DOUBLE UP tm Towel Bar (Patent 5,711,434), I took notice of the plastic tubes on my sales displays were $\frac{3}{4}$ " square with bulged-out sides, approx. 18" long.

So, I taped one end of tube closed and $\frac{1}{2}$ of the height of other tube end and filled half a tube with water and froze it in our home freezer. We thus successfully came out with the ICE STICKS tm.

(We also did similar experiments with $\frac{1}{2}$ " round P.V.C. tube).

In his possession, Adams still has these experimental tubes (from early tests in 1998)!

Rev 4-22 TFA

April 19, 2006

First-to-Invent ICE STICK tm and DUE DELIGENCE 1999/ 2000

Note: In addition to ordering several inexpensive (Vacuum-Formed) molds & Experimental ICE STICK Trays (from Toni Products) and making many "Fill & Freeze"ICE STICKS try-outs, we also requested and got:

Quotes-Tooling and Tray Prices

June 19, 2000 Print 8 ½ x 11 at 61900 Shows 3 trays stacked for quick, accurate filling of multiple trays.

June 2, 1999 Quotation Correspondence regarding ICE STICK MOLDS under (non-disclosure forms) from MIAMI VALLEY PLASTICS

June 8, 1999 Visit to Reko Mold Old Castle Windsor, Ontario, Canada

Note Signed Non-Disclosure (IR. CDA)

June 14, 1999: Reko Quoted

August 15, 2000: Southern Plastic and Rubber

Quoted ICE STICK Production

April 5, 1999: Non-Disclosure

April 12, 1999: TKO Manufacturing – Request for Quote